

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; providing that specified provisions relating to
4 facilities apply to schools of hope of distinction;
5 amending s. 1002.333, F.S.; revising and providing
6 definitions; providing that schools of hope of
7 distinction have the right to locate or co-locate with
8 other public schools in certain facilities beginning
9 on a specified date; requiring specified services to
10 be provided to schools of hope of distinction at no
11 cost; providing school district requirements; deleting
12 specified requirements for schools of hope; amending
13 s. 1013.31, F.S.; requiring the Department of
14 Education to selectively audit specified surveys from
15 school districts and Florida College System
16 institutions; requiring the State Board of Education
17 to adopt specified rules relating to such audits;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (e) of subsection (18) of section
23 1002.33, Florida Statutes, is amended to read:

24 1002.33 Charter schools.—

25 (18) FACILITIES.—

26 (e) If a district school board facility or property is
27 available because it is surplus, marked for disposal, or
28 otherwise unused, it must ~~shall~~ be provided for a charter
29 school's use on the same basis as it is made available to other

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30 public schools in the district. A charter school receiving
 31 property from the sponsor may not sell or dispose of such
 32 property without written permission of the sponsor. Similarly,
 33 for an existing public school converting to charter status or a
 34 school of hope of distinction, no rental or leasing fee for the
 35 existing facility or for the property normally inventoried to
 36 the ~~conversion~~ school may be charged by the district school
 37 board to those ~~the parents and teachers~~ organizing the ~~charter~~
 38 school. The ~~charter~~ school shall agree to a reasonable
 39 maintenance schedule ~~provisions~~ in order to maintain the
 40 facility in a manner similar to district school board standards.
 41 The Public Education Capital Outlay maintenance funds or any
 42 other maintenance funds generated by the facility operated as a
 43 charter conversion school or a school of hope of distinction
 44 shall remain with the ~~conversion~~ school.

45 Section 2. Paragraph (c) of subsection (1), paragraph (a)
 46 of subsection (6), and subsection (7) of section 1002.333,
 47 Florida Statutes, are amended, and paragraph (e) is added to
 48 subsection (1) of that section, to read:

49 1002.333 Persistently low-performing schools.—

50 (1) DEFINITIONS.—As used in this section, the term:

51 (c) "Persistently low-performing school" means a school
 52 that falls into one of the following categories:

53 1. A school that Has earned three grades lower than a "C,"
 54 pursuant to s. 1008.34, in at least 3 of the previous 5 years
 55 that the school received a grade and has not earned a grade of
 56 "B" or higher in the most recent 2 school years; ~~and~~

57 2. A school that Was closed pursuant to s. 1008.33(4)
 58 within 2 years after the submission of a notice of intent; or

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59 3. Is in the bottom 10 percent of schools statewide for
60 student performance on the grade 3 statewide, standardized
61 English Language Arts assessment or the grade 4 statewide,
62 standardized mathematics assessment in at least 2 of the
63 previous 3 years.

64 (e) "School of hope of distinction" means a school of hope
65 that has not received a grade lower than a "B," pursuant to s.
66 1008.34, in at least 2 consecutive school years of published
67 test scores.

68 (6) STATUTORY AUTHORITY.—

69 (a) A school of hope or a nonprofit entity that operates
70 more than one school of hope through a performance-based
71 agreement with a school district may be designated as a local
72 education agency by the department, if requested, for the
73 purposes of receiving federal funds and, in doing so, accepts
74 the full responsibility for all local education agency
75 requirements and the schools for which it will perform local
76 education agency responsibilities.

77 1. A nonprofit entity designated as a local education
78 agency may directly report its students to the department in
79 accordance with the definitions in s. 1011.61 and pursuant to
80 the department's procedures and timelines.

81 2. Students enrolled in a school established by a hope
82 operator designated as a local educational agency are not
83 eligible students for purposes of calculating the district grade
84 pursuant to s. 1008.34(5).

85 (7) FACILITIES.—

86 (a) For purposes of this subsection, the term:

87 1. "Underused facility" means a facility with surplus

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88 capacity on the department's current annual Vacant and Underused
89 Facilities Report.

90 2. "Unused, vacant, or surplus facility" means an entire
91 facility that is not used or is used irregularly or
92 intermittently by the school district for instructional or
93 program use.

94 (b)(a) A school of hope shall use facilities that comply
95 with the Florida Building Code, except for the State
96 Requirements for Educational Facilities. Beginning June 1, 2027,
97 a school of hope of distinction has the right to locate in any
98 unused, vacant, or surplus facility or one marked for disposal
99 pursuant to s. 1002.33(18) or to co-locate with another public
100 school in any underused facility and use all or part of such
101 facility if the combined total enrollment of the schools does
102 not exceed such facility's capacity. The use, operation, and
103 maintenance of such facility, including all facility-related
104 noninstructional services such as school lunch services, must be
105 provided at no cost to the school of hope of distinction. The
106 school district shall share such facilities equitably based on
107 the relative enrollment of the schools. A school of hope that
108 ~~uses school district facilities must comply with the State~~
109 ~~Requirements for Educational Facilities only if the school~~
110 ~~district and the hope operator have entered into a mutual~~
111 ~~management plan for the reasonable maintenance of such~~
112 ~~facilities. The mutual management plan shall contain a provision~~
113 ~~by which the district school board agrees to maintain the school~~
114 ~~facilities in the same manner as its other public schools within~~
115 ~~the district. The local governing authority may ~~shall~~ not adopt~~
116 ~~or impose any local building requirements or site-development~~

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117 restrictions, such as parking and site-size criteria, student
118 enrollment, and occupant load, that are addressed by and more
119 stringent than those found in the State Requirements for
120 Educational Facilities of the Florida Building Code. A local
121 governing authority must treat schools of hope equitably in
122 comparison to similar requirements, restrictions, and site
123 planning processes imposed upon public schools. The agency
124 having jurisdiction for inspection of a facility and issuance of
125 a certificate of occupancy or use shall be the local
126 municipality or, if in an unincorporated area, the county
127 governing authority. If an official or employee of the local
128 governing authority refuses to comply with this paragraph, the
129 aggrieved school or entity has an immediate right to bring an
130 action in circuit court to enforce its rights by injunction. An
131 aggrieved party that receives injunctive relief may be awarded
132 reasonable attorney fees and court costs.

133 (c)~~(b)~~ Any facility, or portion thereof, used to house a
134 school of hope shall be exempt from ad valorem taxes pursuant to
135 s. 196.1983. Library, community service, museum, performing
136 arts, theater, cinema, church, Florida College System
137 institution, college, and university facilities may provide
138 space to schools of hope within their facilities under their
139 preexisting zoning and land use designations without obtaining a
140 special exception, rezoning, or a land use change.

141 (d)~~(e)~~ School of hope facilities are exempt from
142 assessments of fees for building permits, except as provided in
143 s. 553.80; fees for building and occupational licenses; impact
144 fees or exactions; service availability fees; and assessments
145 for special benefits.

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146 (e)~~(d)~~ No later than January 1, the department shall
147 annually provide to school districts a list of all underused
148 facilities and unused, vacant, or surplus facilities owned or
149 operated by the school district as reported in the Florida
150 Inventory of School Houses. A school district may provide
151 evidence to the department that the list contains errors or
152 omissions within 30 days after receipt of the list. By each
153 April 1, the department shall update and publish a final list of
154 all underused facilities and unused, vacant, or surplus
155 facilities owned or operated by each school district, based upon
156 updated information provided by each school district. Beginning
157 August 1, 2026, a hope operator opening ~~establishing~~ a school of
158 hope of distinction on or after June 1, 2027, or operating a
159 school of hope of distinction after June 1, 2027, may submit to
160 a school district a notice of intent to use, and the school
161 district must execute an agreement authorizing the use of, an
162 educational facility identified in this paragraph at no cost
163 pursuant to rules of the State Board of Education ~~or at a~~
164 ~~mutually agreeable cost not to exceed \$600 per student~~. A hope
165 operator using a facility pursuant to this paragraph may not
166 sell or dispose of such facility without the written permission
167 of the school district. ~~For purposes of this paragraph, the term~~
168 ~~"underused, vacant, or surplus facility" means an entire~~
169 ~~facility or portion thereof which is not fully used or is used~~
170 ~~irregularly or intermittently by the school district for~~
171 ~~instructional or program use.~~

172 Section 3. Paragraph (c) of subsection (1) of section
173 1013.31, Florida Statutes, is amended to read:

174 1013.31 Educational plant survey; need assessment criteria;

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175 PECO project funding.—

176 (1) At least every 5 years, each Florida College System
177 institution and state university board shall arrange for an
178 educational plant survey, to aid in formulating plans for
179 housing the educational program and student population, faculty,
180 administrators, staff, and auxiliary and ancillary services of
181 the district or campus, including consideration of the local
182 comprehensive plan. The Department of Education shall document
183 the need for additional career and adult education programs and
184 the continuation of existing programs before facility
185 construction or renovation related to career or adult education
186 may be included in the educational plant survey of a school
187 district or Florida College System institution that delivers
188 career or adult education programs. Information used by the
189 Department of Education to establish facility needs must
190 include, but need not be limited to, labor market data, needs
191 analysis, and information submitted by the Florida College
192 System institution.

193 (c) *Review and validation.*—The Department of Education
194 shall review, ~~and~~ validate, and selectively audit the surveys of
195 school districts and Florida College System institutions, and
196 the Chancellor of the State University System shall review and
197 validate the surveys of universities, and any amendments thereto
198 for compliance with the requirements of this chapter and shall
199 recommend those in compliance for approval by the State Board of
200 Education or the Board of Governors, as appropriate. The
201 commissioner may condition the receipt of fixed capital outlay
202 funds provided from general revenue or from state trust funds by
203 district school boards until such time as the district school

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204 board submits a survey that accurately projects facilities needs
205 as indicated by the Florida Inventory of School Houses, as
206 compared with the district's capital outlay full-time equivalent
207 enrollment, as determined by the department. The State Board of
208 Education shall adopt rules to determine the frequency and scope
209 of such audit. It is the intent of the Legislature to ensure
210 transparency as it relates to the use of such facilities.

211 Section 4. This act shall take effect July 1, 2025.